

### **Remarks**

Claims 1-26 remain in the application.

#### **Drawings**

The drawings were objected because in figures 6 and 7, element 118 should be labeled 120. In figure 7, elements labeled 22 and 26a should be labeled 122 and 126a, respectively.

In response to this objection, applicant has included herewith a corrected drawing sheet (sheet 3 of 3), with required corrections to figures 6 and 7.

#### **Claim Rejections under 35 USC § 112**

Claim 7 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention". The recitation "are formed rounded whwn viewed in a line" was objected to as indefinite.

In response, claim 7 is amended herein to overcome this rejection.

#### **Claim Rejections under 35 USC § 103**

Claims 1-5, 7, 8 and 25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Farkas et al., U.S. Patent 5,911,199 (hereinafter referred to as "199") in view of Davies-Ross, U.S. Patent 6,101,980 (hereinafter referred to as "980").

#### **Allowable Subject Matter**

Claims 6 and 26 were objected to as being dependent upon rejected claims, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 9-24 were allowed in the Office Action.

In response to the 103 rejections, Applicant respectfully requests reconsideration of the rejection of claims 1-5, 7, 8, and 25 under 35 U.S.C. § 103.

Applicant does not believe the 103 rejections are well founded. For clarification purposes, applicant has amended claim 1 to read, in pertinent part, "... first and second non-electrical posts". Applicant further provides the following basis for her request for reconsideration of the 103 rejections.

The present invention is directed to a unique arrangement for a non-electrical dog collar training aid that utilizes non-electrical posts responsive to leash tension to signal to a dog wearing the device the need for corrective behavior. These aspects of the invention have been clearly presented in the specification and drawings, as filed, and as now further clarified in amended claim 1.

980 is directed to a non-electrical combination collar training aid that, although substantially different in construction to the present invention, includes, as the examiner notes in the Office Action, non-electrical posts responsive to leash tension to signal the need for corrective behavior.

In contrast, 199 is directed to an electrical "stimulus" training aid that includes battery powered electrodes responsive to a pressure switch, which is in-turn responsive to leash tension, to administer the electrical stimulus to signal the need for corrective behavior. The 199 arrangement includes provision for two pairs of companion electrodes, one pair of electrodes to effect functionality of the device, and a second optional pair of electrodes for use as desired.

As basis for the 103 rejection of claim 1, the examiner asserts that "it would have been obvious ... to apply the teaching of 980 [with earlier reference to the non-electrical posts] to the invention of 199 in order to affect a greater response from the animal when opposing pressure was applied to the collar."

However, there is no basis for the combination suggested by the examiner, and the proposed combination would serve no purpose or advance the functionality of the 199 as suggested.

As noted above, 980 is directed toward a non-electrical device, and 199 is directed toward an electrical device. There is no suggestion in either patent for the use of non-electrical behavior modification posts in a behavior correction device that relies on electrical stimulus. And the 199 device already contemplates an arrangement "to affect a greater response from the animal when

opposing pressure is applied to the collar" with provision of the second optional companion pair of electrodes. If still greater response is desired, the disclosed 199 arrangement reasonably suggests, if anything, to provide yet additional electrical stimulus administering electrodes. Provision of the non-electrical posts to the 199 device would not advance its purpose of providing an electrical stimulus training device. Therefore, there is simply no reasonable motivation or advantage gained or foreseeable purpose in the combination suggested by the examiner.

For these reasons, applicant submits that incorporation of the non-electrical posts of 980 into the 199 device would not be an obvious modification to the 199 arrangement, and requests the examiner to reconsider and withdraw her rejection of claim 1.

With regard to claims 2-5, 7, and 8 that depend from claim 1, applicant further submits that the suggested combinations would not have been obvious because the underlying assertion with respect to claim 1 is not well founded. Therefore, applicant further requests withdrawal of claims 2-5, 7 and 8 as depending from claim 1.

Applicant further requests withdrawal of the rejection of claim 25 for the reasons discussed above in connection with claim 1, and further because claim 25 includes limitation to a "generally bone-shaped" body, an aspect of which is simply not disclosed in the prior art of record.

The other references noted in the Office Action provide no additional support for rejection of the subject claims. Von Culin (US 205,515) simply presents a ring of spikes positioned on a conventional-type collar. Branner (US 1,688,261) shows construction of a generally conventional-type collar with a metal liner, spaced rivets, and outer ornamentation. Vanderhoof (US 2,219,569) discloses a conventional-type collar with a fastener for connection of a harness. Marschall (US 5,797,354) illustrates a wide-body collar intended to restrict movement of a dog's head in relation to its body. Daniel et al. (FR 2703214 A1) discloses a couple different embodiment collars, one of which (Fig. 7) includes an insert 18 with posts 19 that extend through and outwardly, from the inside toward the outside of the collar. Finally, Wood (GB 21322463) teaches a collar with electrical illumination. None of these patents suggest or illustrate the present invention as presented in the claims, nor do they provide support for rejection of the claims.

In summary, Applicant submits that the references do not teach or reasonably suggest, either alone or in permissible combination, the novel arrangements of the present invention as defined in the claims.

Therefore, and for the reasons discussed in detail above, applicant respectfully requests reconsideration and withdrawal of the 103 rejection of the subject claims, and submits that the application and claims are in a condition for allowance.

If the Examiner, after considering this application in light of the present amendment, feels that a response to the amendment should be a final rejection of the application, and if she feels that a discussion with applicant's attorney might serve as a means of avoiding such a rejection and advancing the prosecution of this application to a favorable termination, she is respectfully requested to phone the undersigned attorney and to accord said attorney an opportunity of discussing this application before same is disposed of by a final rejection. The Examiner is assured of complete cooperation in the event that such courtesy is extended.

**Version With Markings Showing Changes**

1. A non-electrical dog training aid adapted for use with a dog collar, the training aid comprising:

a) a body including

(1) a longitudinally extending center portion having a front side and a back side, and

(2) first and second opposing free ends extending longitudinally from said center portion, said first and second free ends being provided with first and second elongated, transversely lengthwise extending openings, respectively, for threading the collar therethrough and along the front side of the center portion; and

b) first and second non-electrical posts projecting rearwardly from the back side of said center portion.

7. The dog training aid as defined in claim 6 in which said upper and lower surfaces are formed rounded when ~~when~~ viewed in a line along a transverse axis through the body.

Respectfully submitted,

*Keith Frantz 2-29-03*  
Keith Frantz, Reg. No. 37828

Keith Frantz, Reg. No. 37828  
401 West State Street, Suite 200  
Rockford, Illinois 61101  
(815) 987-9820  
(815) 987-9869 [fax]  
Serial No. 10/073,504  
Filing Date: 02/11/2002



FIG. 6

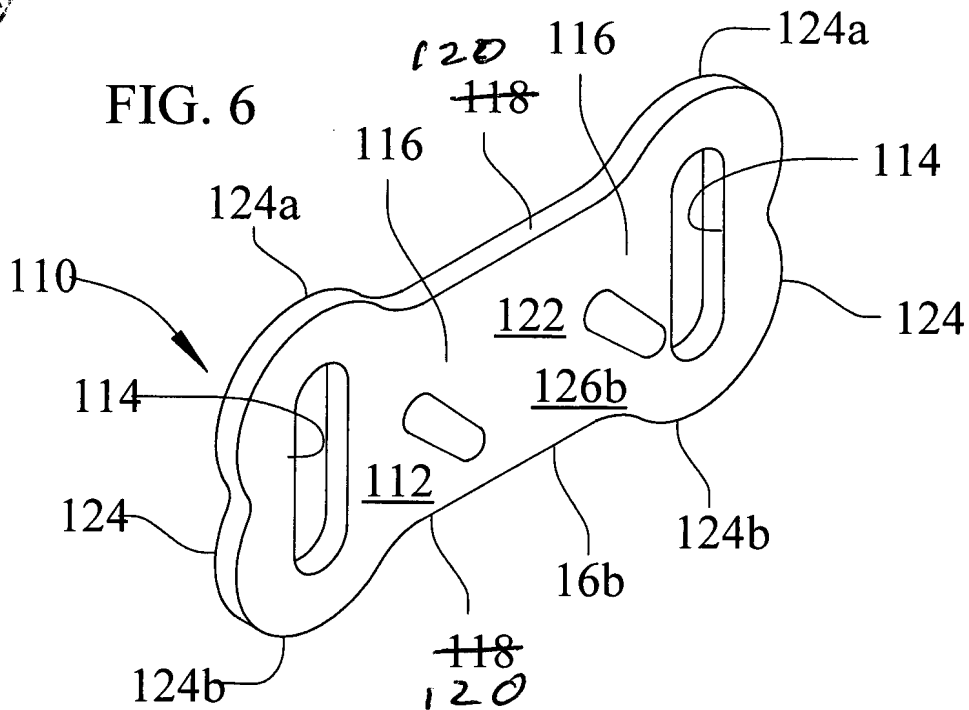


FIG. 7

